

REMARKS/ARGUMENTS

This application was subjected to a double species election requirement. The applicants have elected Species 4 (elongated or slot-shaped openings, claims 10-11) and Species D (axial nozzle opening is formed asymmetrically, claim 17). Generic claims are claims 1-3, 12-13, 18-21 and 23-28. Claims 4-9 and 14-16 have been withdrawn from consideration. Claim 22 has been cancelled.

The Examiner pointed out an informality in claim 18, which is corrected herein. Also, a new claim 29 is being added.

Claims 1-3, 10-13, 17-21 and 23-28 have been examined and rejected. Claims 1, 20 and 25 have been rejected over Sierro '709 in view of Mabille '749. The other claims are rejected over Sierro, Mabille and additional references. The rejection of claim 1 is respectfully traversed. Neither Sierro nor Mabille, individually or in combination, discloses or suggests the features recited in this claim. Although unnecessary for patentability, minor clarifying amendments, which do not narrow the subject matter of claim 1, are being made in order to make the differences between claim 1 and the references even more clear.

As amended, claim 1 recites, in pertinent part, that a nozzle piece has a discharge nozzle for a fluid and a discharge nozzle for an air/powder mixture, --

wherein a front partial length at the outlet cross section of the discharge nozzle for the air-powder mixture projects from a grip of the nozzle piece connected to the hand piece,

wherein the front partial length is formed as a tube having an outer peripheral surface and is provided with nozzle openings at least in said outer peripheral surface, wherein the mouth of the discharge nozzle for the fluid is axially displaced backwards with respect to the discharge nozzle for the air-powder-mixture, and

wherein the fluid discharge nozzle is disposed on one side of the discharge nozzle for the air-powder-mixture.

The Examiner cited col. 3, lines-21-22 in Sierro as disclosing a nozzle opening in the lateral area of an end of a tube, which is at best a distorted version of what Sierro discloses. As for the limitation "one side of the discharge nozzle," the Examiner construed the "one side" to read upon "the outside" of Sierro's discharge nozzle, which is again a distortion of the English language.

In any event, as amended, claim 1 now recites a tube having an outer peripheral surface and nozzle openings at least in the outer peripheral surface of the tube. See the various

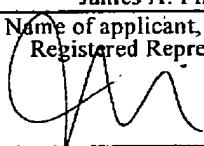
asymmetric, elongated or slot-shaped nozzle openings in Figs. 4 and 5, for example, which are formed in outer peripheral surfaces of tubes, as clearly seen and described.

No such tubes and nozzle openings being seen in Sierro, Mabille or the other references, it is submitted that claim 1 is no longer readable, under any interpretation, upon the prior art now of record, so that allowance of claim 1 and its dependent claims is now requested.

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, on November 10, 2008.

James A. Finder

Name of applicant, assignee or
Registered Representative



Signature

November 10, 2008

Date of Signature

Respectfully submitted,



James A. Finder
Registration No.:30,173
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700